

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK

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11 MISC 00043

In the Matter of the Application of Dr. MICHAEL ENGELBERG, ELIEZER PERR, NEAL SHER, Esq., THE NEW YORK CENTER FOR CIVIL JUSTICE, THE AMERICAN CENTER F.C.J.T., HAMERKAZ and FREEDOM OF RELIGION,

No. _____

Movants,

REGARDING THIRD PARTY SUBPOENA in
the Southern District of New York, in a case
pending the District of Puerto Rico

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**ORDER TO SHOW CAUSE TO QUASH A RULE 45 SUBPOENA,
FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION, AND SANCTIONS**

Upon the affirmation of Barbara L. Seniawski, dated February 16, 2011 and the exhibits thereto, the affirmation of Neal M. Sher, dated February 16, 2011 and the exhibits thereto, and upon the memorandum of law, all annexed hereto, it is

ORDERED, that Joshua Ambush or his counsel show cause before a motion term of this Court, at Room _____, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on February __, 2011 at __:___.m. or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to rule 45 of the Federal Rules of Civil Procedure quashing the subpoena that was executed by Ambush's attorney under the name of this Court on January 7, 2011 (the "Subpoena") and rule 65 of the Federal Rules of Civil Procedure enjoining Ambush and his counsel during the pendency of this action from using or disclosing in any way all information Ambush and/or his counsel received from Apple Bank in response to the Subpoena, ordering Ambush and his counsel to return to counsel for the Third

Parties all originals and copies (electronic and paper) of all information Defendant received from Apple Bank in response to the Subpoena, and ordering Ambush and his counsel to certify under oath that all such originals and copies were returned to counsel for Third Parties; and it is further

ORDERED that, sufficient reason having been shown therefor pending the hearing of Movants' application for an order to quash and for a preliminary injunction pursuant to rules 45 and 65 of the Federal Rules of Civil Procedure, Ambush and his counsel are temporarily enjoined from using or disclosing in any way all information that Ambush and his counsel received from Apple Bank in response to the Subpoena executed by counsel for Ambush under the auspices of this Court on January 7, 2011; and it is further

ORDERED that security in the amount of \$ _____ be posted by the plaintiff prior to _____, 2011 at _____ o'clock in the _____ noon of that day; and it is further

ORDERED, that personal service of this order and the annexed affidavits and memorandum of law upon the Defendant or his counsel on or before February __, 2011 at __:___.m. shall be deemed good and sufficient service thereof; and it is further

ORDERED, that personal service of this order and the annexed affidavits and memorandum of law upon Apple Bank or its counsel on or before February __, 2011 at __:___.m. shall be deemed good and sufficient service thereof.

New York, New York

DATED: February __, 2011

ALVIN K. HELLERSTEIN
United States District Judge